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REPORT
of the
SPECIAL COMMITTEE ON VIOLATIONS OF THE HUMAN RIGHTS OF PARLIAMENTARIANS
(Item XI of the provisional agenda)

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ARGENTINA PROJECT (S200000044)

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☒ Release ☐ Excise ☐ Deny

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Declassify: ☐ In Part ☐ In Full

☐ Classify as ☐ Extend as ☐ Downgrade to _____

Date _____ Declassify on _____ Reason _____

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ANNEX *PROCEDURE FOR THE EXAMINATION AND TREATMENT BY THE INTER-
PARLIAMENTARY UNION OF COMMUNICATIONS CONCERNING VIOLATIONS OF
THE HUMAN RIGHTS OF PARLIAMENTARIANS*

I. WORK OF THE SPECIAL COMMITTEE

1. The Special Committee on Violations of the Human Rights of Parliamentarians held its sixth session at the headquarters of the Inter-Parliamentary Union in Geneva from 25 to 28 June 1979.

2. The following persons took part in the session: Mr. André Chandernagor (France), Chairman of the Special Committee, Mr. Derikoye Tita Avungara (Zaire), and Mr. S.N. Sinha (India), titular members of the Special Committee; Mr. T. Draganu (Romania), substitute for Mr. Bogdan Osolnik (Yugoslavia), and Mr. C. Tattenbach, substitute for Mr. Carlos Canache Mata (Venezuela).

3. The Special Committee examined the situation of 32 parliamentarians from 9 countries in different regions, in accordance with the "Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of parliamentarians".

4. Twenty-four cases had been the subject of a report by the Special Committee to the 124th session of the Inter-Parliamentary Council (Prague, 21 April 1979); most of them had given rise to a resolution of the Council. The cases in question are the following:

Manuel Isauro Molina (Argentina); Luis Agustín Carnevali (Argentina); Mohsen Marhoun (Bahrain); Marcelo Gatto, Nelson Fabiano Sobrinho, Nadir Rossetti, Amauri Muller, Lysaneas Maciel, Marcos Tito and Alencar Furtado (Brazil); Carlos Lorca Tobar and Vicente Atencio Cortes (Chile); Umiharti Sardjono (Indonesia); John Marie Seroney, George Moseti Anyona, Martin Shikuku and Wasonga Siyeo (Kenya); Lec Tee Tong (Singapore); José Luis Massera Lerena, Jaime Gerschuni Perez, Vladimir Ilitch Turiansky, Alberto Altessor Gonzales, Rosario Pietrarroia Zapala and Gerardo Cuesta Villa (Uruguay).

5. The Special Committee continued examination of unresolved cases. It also resumed confidential examination of the cases of 14 parliamentarians; 7 of these cases are submitted to the Council for examination for the first time, namely the cases of Deputies Juan Manuel Ramirez and Antonio Isaac Guerrero (Argentina); Deputy Mohamed Jabir Subah Siyyadi (Bahrain); and Deputies Eddy Abdurachman Martalogawa, Richard Paingot Situmeang, Abdurachman Sundari and Karel Supit (Indonesia).

6. Lastly, the Special Committee studied for the first time a communication about the murder of Deputy Alberto Fuentes-Mohr (Guatemala). The report on this case will be found on page 33 .

7. The Special Committee examined all these cases in the light of the replies from the authorities of the countries concerned to the requests by the Inter-Parliamentary Council and its own requests - where it had received such replies - and in the light of further information gathered during investigation of the cases,

8. The Special Committee also took account of information supplied by three National Groups - those of Australia, Austria and Poland - which will be found in Section II of this report (page 7).

9. At its session, the Special Committee examined, in particular, the report of the mission to Singapore to visit Mr. Lee Tee Tong, carried out at the request of the Council by a member of the Committee, Mr. S.N. Sinha (India), and the Secretary General. The report on the case of this parliamentarian is contained in document CL/125/79/6 Add.1.

10. The members of the Council will find in Section III the reports prepared by the Special Committee on 25 cases, together with draft resolutions.

"The Inter-Parliamentary Council,

Considering that the action it undertakes for the defence of the human rights of parliamentarians will be all the more effective if it is amplified and supported by the National Groups,

1. Calls on the National Groups to take all such measures as they may deem suitable for the support of the decisions of the Inter-Parliamentary Union in this matter and to inform the Organization's Secretariat of their initiatives and the results obtained;
2. Recalls that these measures include :
 - Oral or written approaches by the National Groups, their Presidents or their members to their Governments and to the Speakers or Bureaux of their Parliaments, with a view to action by the latter directed towards the authorities of the countries concerned;
 - Use of the mass media for the dissemination of the reports of the Special Committee and the decisions of the Council;
 - Direct material and legal aid in appropriate forms to the victims."

4. In reply to his requests, the Secretary General has received the following information from the National Groups of Australia, Austria and Poland :

AUSTRALIA.- The Council's resolutions were communicated to all the members of the two Houses of the Australian Parliament.

AUSTRIA.- The resolutions adopted in Prague by the Inter-Parliamentary Council on the above-mentioned parliamentarians were transmitted to the Federal Chancellor with a request that all the necessary measures be taken.

POLAND.- A detailed report on the Prague meetings was sent to the members of the Bureau of the Diet, the 460 Deputies of the Diet, including the Chairmen of the Standing Committees, the Minister of Foreign Affairs, the heads of the regional departments of the Foreign Ministry and the heads of the Institute for International Affairs. The report of the Special Committee and the resolutions of the Council were communicated more especially to the Minister of Foreign Affairs so that he might intervene at international meetings and during bilateral diplomatic contacts. These documents were widely commented on by the Press, particularly in articles written by Polish parliamentarians and in televised interviews with them.

III. CASES SUBMITTED TO THE INTER-PARLIAMENTARY COUNCIL

Case No. ARG/08 - LUIS AGUSTIN CARNEVALI - ARGENTINA

(a) Source of communication:

Mrs. Juana Romero, member of the Argentinian Parliament at the time of the coup d'Etat in March 1976,

(b) Outline of the case:

It emerges from the evidence that Senator Luis Agustin Carnevali was arrested on 24 March 1977 and that he has been missing since then. The Argentinian authorities state that they have no information about his arrest and present whereabouts; they have indicated that the competent authorities have begun an investigation and have not disclosed its results.

Although Senator Carnevali was reportedly arrested at his home in San José de la Quintana, province of Cordoba, by members of the Third Army Corps, at that time under the command of General Luciano Benjamin Menendez, and although neighbours witnessed his arrest, Senator Carnevali has never been brought to trial. He may have been murdered.

(c) Previous treatment:

This case, which the Special Committee examined at its second session (August 1977), was the subject of a report by the Special Committee to the 122nd, 123rd and 124th sessions of the Inter-Parliamentary Council and of unanimous resolutions by that body.

In the resolution which it adopted at its 124th session, the Inter-Parliamentary Council urged "the Government of Argentina, in the light of this information (which it possesses regarding this parliamentarian), to hasten its inquiry and to inform the Special Committee of the results thereof as rapidly as possible".

(d) Report concerning the implementation of the resolution adopted by the Inter-Parliamentary Council at its 124th session:

(i) On 22 March 1979, the Secretary General transmitted the report of the Special Committee to the Argentinian governmental authorities. Following the 124th session of the Council, on 7 June 1979, he officially transmitted the report again, together with the Council's resolution on the case of Senator Carnevali.

(ii) These communications had not been answered with regard to Senator Carnevali when the Special Committee met.

(e) Decision of the Special Committee:

The Special Committee,

Decides to recommend to the Inter-Parliamentary Council that it adopt the following resolution :

Case No. ARG/08 - LUIS AGUSTIN CARNEVALI - ARGENTINA

The Inter-Parliamentary Council,

Referring to the resolutions which it adopted at its 123rd session (September 1978) and 124th session (April 1979) concerning Senator Luis Agustin Carnevali, of Argentina,

Taking note of the report of the Special Committee,

Recalling that the Argentinian authorities stated, on 22 August 1978, that "Mr. Luis Agustin Carnevali is not among those persons whose whereabouts were recently ascertained by the governmental authorities",

Considering, however, that the information received by the Special Committee reveals that Senator Luis Agustin Carnevali was arrested on 24 March 1976 at his home in San José de la Quintana, in the province of Cordoba, by members of the IIIrd Army Corps under the command of General Luciano Benjamin Menendez; that Senator Carnevali's neighbours were witnesses to his arrest; that it is to be feared that he might have lost his life,

Recalling that, by letter of 26 August 1977, confirmed on 18 January 1978, the Government of Argentina stated that the competent authorities had opened an inquiry into his case,

Deeply concerned over the fate of Senator Carnevali,

1. Regrets that the Argentinian authorities have not replied to the pressing request of the Council to hasten this inquiry and inform the Special Committee as soon as possible of the results thereof;
2. Earnestly repeats that request.

Case No. ARG/17 - JUAN MANUEL RAMIREZ - ARGENTINA

(a) Source of communication:

Mrs. Juana Romero, member of the Argentinian Parliament at the time of the coup d'Etat in March 1976.

(b) Outline of the case:

The evidence in the case reveals that Deputy Juan Manuel Ramirez, representative of the Province of Chaco, was arrested in March 1976; that he has been detained since then without trial; that he has been transferred from the prison of the Province of Chaco, where he was initially detained, to the Resistencia prison in Buenos Aires, where he is subject to the maximum security régime ("maxima peligrosidad"); that he is accused of being a "Montonero" but appears never to have belonged to that movement; that, at the time of his arrest, his wife was placed under house arrest and died some time later, Deputy Ramirez's young children thus now being left to fend for themselves.

(c) Investigation of the case:

(i) The Special Committee first examined the case of Deputy Juan Manuel Ramirez at its 5th session (February 1979). It then approached the Argentinian authorities in order to :

1. Ask them whether it is correct that Deputy Ramirez was arrested in March 1976 and has been detained since then without trial;
2. Ask them, if so, whether the competent authorities contemplate releasing him rapidly;
3. In the event that it is not planned to release him rapidly, ask them to inform him of :

- (a) The legal provisions under which he was arrested and is held in detention, having regard to the provisions of Article 9 of the International Covenant on Civil and Political Rights and of Article 7 of the American Convention on Human Rights;
- (b) The charges against him; the present status of the procedure under way; the court seized of his case and the date of the trial; the guarantees available to him for his defence, having regard to the provisions of Article 14 of the International Covenant on Civil and Political Rights and of Article 8 of the American Convention on Human Rights.

These requests were made by letter of 14 February 1979.

(ii) When the Special Committee met they had not been answered.*

(d) Decision of the Special Committee:

The Special Committee,

Decides to recommend to the Inter-Parliamentary Council that it adopt the following resolution **:

The Inter-Parliamentary Council,

Having before it the case of Deputy Juan Manuel Ramirez, of Argentina, who was the subject of a study and a report by the Special Committee on Violations of the Human Rights of Parliamentarians, in accordance with the "Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of parliamentarians",

Taking note of the report of the Special Committee,

Considering that the evidence in the case reveals that Deputy Juan Manuel Ramirez, representative of the Province of Chaco, was arrested in March 1976; that he has been detained since then without trial; that he was recently transferred from the prison of the Province of Chaco to the prison of Resistencia in Buenos Aires where he is subject to the maximum security régime ("maxima peligrosidad"); that he is accused of being a "Montonero" but appears never to have belonged to that movement; that, at the time of his arrest, his wife was placed under house arrest and died some time later, Deputy Ramirez's young children thus now being desolate,

Regretting that the Argentinian authorities have not replied in substance to the requests which the Special Committee addressed to them,

1. Instructs the Secretary General to approach the Argentinian authorities again in order to:

- (a) Inform them of the Inter-Parliamentary Council's concern over the fate of Deputy Ramirez who has been under administrative imprisonment for more than three years;

* A few days after the meeting, however, the Secretary General received from the Argentinian authorities a letter dated 18 May, which had not been properly routed. It states that:

"Former parliamentarian Juan Manuel Ramirez:
He is at the disposal of the national executive authorities under decree No. 2426/76; he is accused of sabotage and possession of material of the "Montoneros" subversive organization; he is at Unit No.7 in the Resistencia prison."

* * When the Special Committee prepared this draft resolution it did not possess the information from the Argentinian authorities contained in footnote * .

- (b) Inform them of the pressing request of the Inter-Parliamentary Council that this parliamentarian either be tried as soon as possible at a trial offering all the guarantees set out in the International Covenant on Civil and Political Rights, or be released immediately;
2. Declares that, should no action be taken on the above requests before its next session, it will have to conclude in a violation of the human rights of Deputy Ramirez.

Case No. ARG/18 - ANTONIO ISAAC GUERRERO - ARGENTINA

(a) Source of communication:

Mrs. Juana Romero, member of the Argentinian Parliament at the time of the coup d'Etat in March 1976.

(b) Outline of the case:

The evidence in the case reveals that Deputy Antonio Isaac Guerrero was arrested by the army at Tucuman in March 1976, transferred to the Buenos Aires Prison and subsequently to the prison in La Plata, where he is currently detained without trial.

(c) Investigation of the case:

(i) The Special Committee first examined the case of Deputy Antonio Isaac Guerrero at its 5th session (February 1979). It then approached the Argentinian authorities in order to:

1. Ask them whether it is correct that Deputy Guerrero was arrested in March 1976 and has been detained since then without trial;
2. Ask them, if so, whether the competent authorities contemplate releasing him rapidly;
3. In the event that it is not planned to release him rapidly, ask them to inform him of:

(a) The legal provisions under which he was arrested and is held in detention, having regard to the provisions of Article 9 of the International Covenant on Civil and Political Rights and of Article 7 of the American Convention on Human Rights;

(b) The charges against him; the present status of the procedure under way; the court seized of his case and the date of the trial; the guarantees available to him for his defence, having regard to the provisions of Article 14 of the International Covenant on Civil and Political Rights and of Article 8 of the American Convention on Human Rights.

These requests were made by letter dated 14 February 1979.

(ii) When the Special Committee met they had not been answered.*

(d) Decision of the Special Committee:

The Special Committee,

Decides to recommend to the Inter-Parliamentary Council that it adopt the following resolution**:

* Several days after the meeting, however, the Secretary General received from the Argentinian authorities a letter dated 18 May which had not been properly routed. It states that "Former parliamentarian Antonio Isaac Guerrero is at the disposal of the national executive authorities under decree 1660/77; he is accused of subversive activities and is at Unit No.9 in La Plata prison".

** When the Special Committee prepared this draft resolution it did not possess the information from the Argentinian authorities contained in the footnote *.

Case No. ARG/18 - ANTONIO GUERRERO - ARGENTINA

The Inter-Parliamentary Council,

Having before it the case of Deputy Antonio Guerrero, of Argentina, who was the subject of a study and a report by the Special Committee on Violations of the Human Rights of Parliamentarians, in accordance with the "Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of parliamentarians",

Taking note of the report of the Special Committee,

Considering that the evidence in the file reveals that Deputy Antonio Guerrero was arrested by the army at Tucuman in March 1976; that he appears to be detained in the prison of La Plata,

Regretting that the Argentinian authorities have not replied in substance to the request which the Special Committee addressed to them,

1. Instructs the Secretary General to approach the Argentinian authorities again in order to:
 - (a) Inform them of the Inter-Parliamentary Council's concern over the fate of Deputy Guerrero who has been under administrative imprisonment for more than three years;
 - (b) Inform them of the pressing request of the Inter-Parliamentary Council that this parliamentarian either be tried as soon as possible at a trial offering all the guarantees set out in the International Covenant on Civil and Political Rights, or be released immediately;
2. Declares that, should no action be taken on the above requests before its next session, it will have to conclude in a violation of the human rights of Deputy Guerrero.